

J. G.-T. v Governing Body of Jehovah's Witnesses

2024 NY Slip Op 33313(U)

September 17, 2024

Supreme Court, Kings County

Docket Number: Index No. 530106/2023

Judge: Sabrina Kraus

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This opinion is uncorrected and not selected for official publication.

**SUPREME COURT OF THE STATE OF NEW YORK
KINGS COUNTY**

PRESENT: HON. SABRINA B. KRAUS PART CVA 1/ 57

Justice

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INDEX NO. 530106/2023

J. G.-T.

MOTION DATE 9/17/24

Plaintiff,

MOTION SEQ. NO. 001

THE GOVERNING BODY OF JEHOVAH'S
WITNESSES, WATCH TOWER BIBLE AND TRACT
SOCIETY OF PENNSYLVANIA, WATCH TOWER BIBLE
AND TRACT SOCIETY OF NEW YORK, INC., ASTORIA
KINGDOM HALL JEHOVAH'S WITNESSES, and
JOSE TORRE,

**DECISION + ORDER ON
MOTION**

Defendants.

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The following e-filed documents, listed by NYSCEF document number (Motion 001)
were read on this motion to/for Proceed Pseudonymously and related relief

Plaintiff's Request to Proceed Pseudonymously is Granted Without Opposition

In general, "[t]he determination of whether to allow a plaintiff to proceed anonymously requires the court to use its discretion in balancing plaintiff's privacy interest against the presumption in favor of open trials and against any prejudice to defendant" (*Anonymous v. Lerner*, 124 AD3d 487, 487 [1st Dept 2015] [internal quotation marks and citations omitted]; see *J. Doe No. 1 v. CBS Broadcasting, Inc.*, 24 AD3d 215 [1st Dept 2005]; see also *Doe v. Szul Jewelry, Inc.*, 2008 NY Slip Op 31382 [U] [Sup Ct, NY County 2008]).

The Court notes defendants have agreed to the relief sought.

Among the recognized values of open access to civil proceedings is that “the bright light cast upon the judicial process by public observation diminishes the possibilities for injustice, incompetence, perjury, and fraud” (*Danco Labs. v. Chemical Works of Gedeon Richter*, 274 AD2d 1, 7, [1st Dept 2000]). Likewise, the very openness of the process should provide the public “with a more complete understanding of the judicial system and a better perception of its fairness” and serves to “ensure that the proceedings are conducted efficiently, honestly and fairly” (*Danco*, 274 AD2d at 7, *supra*).

However, the right of the public, and the press, to access judicial proceedings is not absolute or unfettered, and involves judicial discretion (*Lerner*, 124 AD3d at 487, *supra*). Moreover, access may still be respected in keeping with constitutional requirements while sensitive information is restricted in keeping with “the State's legitimate concern for the wellbeing” of an individual (*Globe Newspaper Co. v. Superior Ct.*, 457 U.S. 596, 606 [1982]).

A plaintiff's privacy interests, although not recognized under New York State's common law, are found in the Civil Rights Law (“CRL”) (*see Stephano v. News Group Publications, Inc.*, 64 NY2d 174, 182 [1984]; *Arrington v. New York Times Co.*, 55 NY2d 433, 440 [1982]). Indeed, pursuant to CRL §50-b “The identity of any victim of a sex offense, as defined in article one hundred thirty or section 255.25, 255.26, or 255.27 of the penal law, or of an offense involving the alleged transmission of the Human Immunodeficiency Virus, shall be confidential...” However, this statute does not apply to everyone claiming to have been the victim of a sexual assault. Rather, the statute was enacted to spare victims of sexual assault the embarrassment of being publicly identified in the news media and to encourage such victims to cooperate in the prosecution of sexual offenses (*see New York Bill Jacket*, 1999 S.B. 5539, Ch. 643). Courts have afforded victims

of sexual offenses protection under CRL §50-b where there has either been an arrest and prosecution, or there is an investigation (*see People v. McDaniel*, 81 NY2d 10 [1993]).

The instant case involves alleged acts that will no doubt center on information about plaintiff of a sensitive and highly personal nature. The court recognizes that plaintiff, as the alleged victim of sexual abuse, alleges that plaintiff has suffered great emotional distress. Revelation of plaintiff's name could unsettle plaintiff and perhaps deter plaintiff from litigating this matter. Such an outcome would undoubtedly undermine the very purpose for which the CVA was enacted.

In this court's view the public ultimately has an interest in seeing this case determined on its merits, after the parties have had an opportunity to fully and properly litigate the issues presented. Anonymity, at this juncture, will preserve the integrity of that stated objective.

The Court Will Order the Criminal File Produced for In Camera Review

The parties have all also consented to an order directing the Queens County Criminal Court to deliver the file under docket number 2008QN046071 to be delivered to this Court for In Camera Review.

Remaining Issues Raised During Oral Argument

During oral argument the parties further agree that the Affidavit filed as NSCEF Doc # 9 shall be deemed the answer of Jose Torres herein.

Additionally, the parties have signaled to the Court that some of the defendants have asserted a statute of limitations defense. The Court will grant defendants leave to move for summary judgment based on this defense and will allow an additional motion on summary judgment on other grounds, after the completion of discovery, in the event the defense is found unwarranted. As discussed with the parties during argument, the Court finds this to be the most efficient way to proceed and would prefer to make a ruling on this defense earlier rather than later

in this action. However, any schedule discovery should proceed notwithstanding leave to file such motion.

WHEREFORE, it is hereby:

ORDERED that plaintiff's motion to proceed herein under a pseudonym, rather than in plaintiff's legal name, and to proceed throughout this action under such pseudonym, rather than in plaintiff's own name, is granted ; and it is further

ORDERED that all papers, including but not limited to judgments, orders, decisions, and notices filed in this action, refer to Plaintiff by the pseudonym "J.G-T.; and it is further

ORDERED the Summons and Complaint are deemed properly filed with the court as of the date of this motion; and it is further


ORDERED that the Queens Criminal Court deliver the file under docket number: 2008QN046071, to Judge Sabrina Kraus, Room 218, 60 Centre Street, New York, NY for *in camera* review; and it is further

ORDERED that NYSCEF Doc. No. 9 will be sealed, and accessible only to the parties, their counsel, and court personnel; and it is further

ORDERED that the parties shall appear for a virtual discovery conference on December 3, 2024 at 3 pm; and it is further

ORDERED that in accordance with this court’s decision and order, the parties are directed to comply with the conditions contained within this court’s Case Management Orders.

This constitutes the decision and order of the Court.

<u>9/17/24</u> DATE		 HON. SABRINA KRAUS
CHECK ONE:	<input type="checkbox"/> CASE DISPOSED	<input checked="" type="checkbox"/> NON-FINAL DISPOSITION
	<input checked="" type="checkbox"/> GRANTED <input type="checkbox"/> DENIED	<input type="checkbox"/> GRANTED IN PART <input type="checkbox"/> OTHER
APPLICATION:	<input type="checkbox"/> SETTLE ORDER	<input type="checkbox"/> SUBMIT ORDER
CHECK IF APPROPRIATE:	<input type="checkbox"/> INCLUDES TRANSFER/REASSIGN	<input type="checkbox"/> FIDUCIARY APPOINTMENT <input type="checkbox"/> REFERENCE